

REMARKS / ARGUMENTS

This is intended as a full and complete response to the Office Action dated September 2, 2009, having a shortened statutory period for response extended to expire on March 2, 2010. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-10, 12 and 14-23 are pending in the application. Claims 1-10, 12 and 14-23 remain pending following entry of this response, with claims 7-10, 12 and 14-20 being withdrawn from further consideration. Claims 1 and 5 have been amended. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6 and 21-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Kodosky et al.* (US Publication No. 2003/0184595, hereinafter "*Kodosky*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Kodosky* does not disclose "each and every element as set

forth in the claim". For example, *Kodosky* does not disclose a SCADA system with a plurality of devices that each include "device configuration means for creating or updating device configuration data, the device configuration data including description of the device and representation of interconnection and interaction of the device with other ones of said plurality of devices". In other words, claim 1 recites a SCADA system in which the devices are self-aware of their own type, as well as their interconnection and interaction with other devices in the system.

In contrast, *Kodosky* teaches a system in which the devices are aware of their own type, but not of their interaction and interconnection with other devices and the system. The following excerpts from *Kodosky* are instructive in this regard:

The computer system 82 preferably has the ability to discover devices, e.g., other computers, smart sensors, FPGA devices, or other types of nodes or devices that are comprised and are coupled to the computer, e.g., coupled to the computer through a network. The system preferably discovers or detects devices and adds them to the configuration diagram. In one embodiment, one or more of the various devices may have the capability to report their presence and device type to the main computer system 82. For example, various smart sensors may publish their presence and device type to the main computer system 82.
Kodosky, ¶ [0296].

In one embodiment, the user can use a wiring tool to connect two device icons, similarly to the wiring tool used in LabVIEW. This may cause a connection, e.g., a wire, to appear between the device icons to indicate that the devices are coupled to each other. As noted above, connections between two device icons may also be displayed automatically. In one embodiment, the connection that is displayed between two device icons is context sensitive. In other words, the connection that is displayed or created on the display has a context or appearance that is associated with the types of devices that are being connected, the type of physical interface (e.g., bus type), and/or the type of data or information flow between the devices.
Kodosky, ¶ [0215].

For example, where the link icon indicates the type of physical interface, when the user connects two device icons representing first representing first and second devices, the

method may examine the interface type supported by the first and second devices and generate a connection or link between the two device icons having an appearance corresponding to the interface type or bus type being used. Alternatively, the user may select a link or connection from a palette based on the type of devices that the user desires to connect.
Kodosky, ¶ [0216].

Thus, *Kodosky* teaches that the connections between devices are derived from the device types, which may be reported to the central computer 82. In other words, *Kodosky* teaches that the central computer 82 determines the connections between devices based on the device type information which it receives from the various devices in the system. Conversely, *Kodosky* does not teach that the devices themselves provide a representation of their respective connections to the computer 82. More to the point, *Kodosky* does not teach that the devices have device configuration means for creating/updating device configuration data that includes a representation of the interconnection and interaction of a given device with other devices in the system. In this respect, a difference between the system of claim 1 and *Kodosky* may be characterized as the difference between a decentralized system in which the devices are themselves aware of their respective connections and a centralized system (such as *Kodosky*) in which the connections between devices must be derived from the device types that detected by the computer 82.

Because *Kodosky* does not teach devices that each have a device configuration means for creating/updating the claimed "device configuration data", it follows that *Kodosky* also does not teach "auto-discovery means for permitting said SCADA system to both self-configure itself relative to devices in said industrial equipment network, and to be updated relative to changes in the configuration of said industrial equipment, and associated devices or equipment therein, including discovering new or changed devices via communication of the device configuration data over said computer network." (Emphasis added.)

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance, and allowance of the claims is respectfully requested. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. MCCLELLAN, Reg. #44227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants